

Attorney Docket No. E1047/20006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant : Yuan Min WU et al.
Serial No. : 09/083,410
Filed : May 22, 1998
For : SOLUTION HYBRIDIZATION OF NUCLEIC
ACIDS WITH ANTISENSE PROBES HAVING
MODIFIED BACKBONES
Examiner : Ardin Marschel
Group : 1634

TERMINAL DISCLAIMER TRANSMITTAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please charge the \$55.00 fee under 37 CFR 1.20(d) for filing the attached Terminal Disclaimer to our Deposit Account No. 03-0075. Small entity status was established earlier.


Duplicate copies of the Disclaimer and this Transmittal are attached.

Should there be any questions or suggestions regarding this submission, please contact applicants' undersigned attorney at the telephone number listed below. Please charge or credit our Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOV, LTD.

By


David M. Tener
Registration No. 37,054
Seven Penn Center
12th Floor
1635 Market Street
Philadelphia, PA 19103-2212
(215) 567-2010
Attorneys for Applicants

05/19/1999 CGRIFFIN 00000001 030075 09083410
May 17, 1999
01 FC:248 55.00 CH

PTO/SB/ 26 (10-98)

Approved for use through 10/31/99, OMB 0651-0031
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

E1047/20006

In re Application of: Eileen Xiao-Feng NIE et al.

Application No. 09/083,410

Filed: 05/22/1998

FOR: SOLUTION HYBRIDIZATION OF NUCLEIC ACIDS WITH ANTISENSE PROBES HAVING MODIFIED BACKBONES

The owner, Lorne Park Research, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,846,729. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

 5/12/99
Signature Date

David M. Tener, Reg. No. 37,054

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.